

REMARKS/ARGUMENTS

Claims 1, 2, 4-7, 10-18 and 29-46 were pending. Claims 14-18, 29-31, 36-39 and 43-44 have been canceled. Therefore, upon entry of this amendment, which is respectfully requested, claims 1, 2, 4-7, 10-13, 32-35, 40-42 and 45-46 will be pending.

Claims 1, 2, 4-7, 10-18 and 29-46 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-34 of US Patent No. 6,707,561 (a parent case).

Although it is believed that the double patenting rejection is improper due, in part, to the restriction requirements issued in the parent cases, Applicants hereby submit a Terminal Disclaimer, executed by the undersigned, in compliance with 37 CFR 1.321(c), so as to expedite prosecution and allowance of pending claims 1, 2, 4-7, 10-13, 32-35, 40-42 and 45-46.

Applicants reserve the right to file a continuation application to pursue the subject matter of the claims canceled herein, and others, which claims are also believed to be patentably distinct from the claims of US Patent No 6,707,561, and which claims find support in parent application serial number 10/043,629, now US Patent No. 6,771,376, which is a continuation-in-part application of the parent application serial number 09/609,846, now US Patent No. 6,707,561.

Appl. No. 10/684,071
Amdt. dated October 20, 2004
Reply to Office Action of May 21, 2004

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


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